

AMENDED IN SENATE AUGUST 22, 2011

AMENDED IN SENATE JULY 11, 2011

AMENDED IN ASSEMBLY APRIL 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1203

**Introduced by Assembly Member Mendoza
(Coauthor: Assembly Member Lara)**

February 18, 2011

An act to amend Sections 45210 and 88210 of the Education Code, and to amend Section 3505.3 of the Government Code, relating to public employee organizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1203, as amended, Mendoza. Public employee organizations: members: paid leave of absence.

Existing law requires that the governing board of a school district or a community college district grant to any classified employee, upon request, a paid leave of absence to enable the employee to serve as an elected officer of any school district public employee organization or community college district public employee organization, as specified. Existing law requires that following the school district's or community college district's payment of the employee for the leave of absence, it be reimbursed by the employee organization of which the employee is an elected officer for all compensation paid to the employee on account of the leave.

This bill would expand these provisions to additionally require a school district or a community college district to provide a paid leave of absence to a member of any school district public employee

organization or community college district public employee organization for activities the member is authorized by the organization to attend, and would require the employee organization to reimburse the school district or community college district on behalf of a member who receives a paid leave of absence.

The Meyers-Milias-Brown Act requires that local public agencies allow a reasonable number of local public agency employee representatives of recognized employee organizations reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of the public agency.

This bill would additionally require the local public agency to give reasonable time off to public agency employee representatives when they are ~~participating~~ *testifying or representing the employee organization* in proceedings before the Public Employment Relations Board in matters relating to a charge filed by the employee organization against the public agency, or in other matters in furtherance of the employee organization's right to represent members in employment relations, including personnel and merit commission hearings, city council meetings, and labor management committee meetings.

This bill would additionally require an employee organization to provide reasonable notification to the employer requesting a leave of absence without loss of compensation for any of the above-described activities.

~~The above-described provisions would not apply to an employee who is subject to a collective bargaining agreement that expressly provides for a leave of absence without loss of compensation for participation in authorized activities as an elected officer or member of the public employee organization.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 45210 of the Education Code is amended
- 2 to read:
- 3 45210. (a) The governing board of a school district shall grant
- 4 to any classified employee, upon request, a leave of absence
- 5 without loss of compensation for the purpose of enabling the
- 6 employee to serve as an elected officer or a member of any local
- 7 school district public employee organization, or any statewide or

1 national public employee organization with which the local
2 organization is affiliated.

3 The leave shall include, but is not limited to, absence for
4 purposes of attendance by the employee at periodic, stated, special,
5 or regular meetings of the body of the organization on which the
6 employee serves as an officer, or if the employee is a member of
7 the organization, any organizational activities the member is
8 authorized by the organization to attend. Compensation during the
9 leave shall include retirement fund contributions required of the
10 school district as employer. The employee shall earn full service
11 credit during the leave of absence and shall pay member
12 contributions as prescribed by subdivision (a) of Section 20677 of
13 the Government Code. The maximum amount of the service credit
14 earned shall not exceed 12 years.

15 Following the school district's payment of the employee for the
16 leave of absence, the school district shall be reimbursed by the
17 employee organization of which the employee is an elected officer
18 or a member for all compensation paid the employee on account
19 of the leave. Reimbursement by the employee organization shall
20 be made within 10 days after its receipt of the school district's
21 certification of payment of compensation to the employee.

22 The leave of absence without loss of compensation provided for
23 by this section is in addition to the released time without loss of
24 compensation granted to representatives of an exclusive
25 representative by subdivision (c) of Section 3543.1 of the
26 Government Code.

27 For purposes of this section, "school district" also means "county
28 superintendent of schools."

29 ~~(b) Whenever possible, the~~ *The* representing employee
30 organization shall provide reasonable notification to the employer
31 requesting a leave of absence without loss of compensation
32 pursuant to subdivision (a) of this section.

33 (c) A classified employee who after August 31, 1987, was absent
34 on account of elected-officer service, shall receive full service
35 credit in the Public Employees' Retirement System; provided that,
36 not later than April 30, 1988: (1) the employee makes a written
37 request to the employer for a leave of absence for the period of
38 the elected-officer service, and (2) the employee organization of
39 which the employee is an elected officer pays to the employee's
40 school district an amount equal to the required Public Employees'

1 Retirement System member and employer retirement contributions,
2 as prescribed by this section.

3 The school district, following this written request and payment,
4 shall transmit the amount received to the Public Employees'
5 Retirement System, informing it of the period of the employee's
6 leave of absence. The Public Employees' Retirement System shall
7 credit the employee with all service credit earned for the period
8 of the elected-officer leave of absence.

9 If the employee has been compensated by the school district for
10 the period of the service, then, as a condition to the employee's
11 entitlement to service credit for this period, the school district shall
12 be reimbursed by the employee organization for the amount of the
13 compensation.

14 The provisions of this subdivision shall apply retroactively to
15 all service as an elective officer in a public employee organization
16 occurring after August 31, 1987.

17 (d) This section shall not apply to an employee who is subject
18 to a collective bargaining agreement that expressly provides for a
19 leave of absence without loss of compensation for participation in
20 authorized activities as an elected officer or member of the public
21 employee organization.

22 SEC. 2. Section 88210 of the Education Code is amended to
23 read:

24 88210. (a) The governing board of a community college district
25 shall grant to any classified employee, upon request, a leave of
26 absence without loss of compensation for the purpose of enabling
27 the employee to serve as an elected officer or a member of any
28 local community college district public employee organization, or
29 of any statewide or national public employee organization with
30 which the local organization is affiliated.

31 The leave shall include, but is not limited to, absence for
32 purposes of attendance by the employee at periodic, stated, special,
33 or regular meetings of the body of the organization on which the
34 employee serves as an officer, or if the employee is a member of
35 the organization, any organizational activities the member is
36 authorized by the organization to attend. Compensation during the
37 leave shall include retirement fund contributions required of the
38 community college district employer. The employee shall earn full
39 service credit during the leave of absence and shall pay member
40 contributions as prescribed by subdivision (a) of Section 20677 of

1 the Government Code. The maximum amount of the service credit
2 earned shall not exceed 12 years.

3 Following the community college district's payment of the
4 employee for the leave of absence, the community college district
5 shall be reimbursed by the employee organization of which the
6 employee is an elected officer or a member for all compensation
7 paid the employee on account of the leave. Reimbursement by the
8 employee organization shall be made within 10 days after its receipt
9 of the community college district's certification of payment of
10 compensation to the employee.

11 The leave of absence without loss of compensation provided for
12 by this section is in addition to the released time without loss of
13 compensation granted to representatives of an exclusive
14 representative by subdivision (c) of Section 3543.1 of the
15 Government Code.

16 (b) ~~Whenever possible, the~~ *The* representing employee
17 organization shall provide reasonable notification to the employer
18 requesting a leave of absence without loss of compensation
19 pursuant to subdivision (a) of this section.

20 (c) A classified employee who after August 31, 1987, was absent
21 on account of elected-officer service, shall receive full service
22 credit in the Public Employees' Retirement System; provided that,
23 not later than April 30, 1988: (1) the employee makes a written
24 request to the employer for a leave of absence for the period of
25 the elected-officer service, and (2) the employee organization of
26 which the employee is an elected officer pays to the employee's
27 community college district an amount equal to the required Public
28 Employees' Retirement System member and employer retirement
29 contributions, as prescribed by this section.

30 The community college district, following the written request
31 and payment, shall transmit the amount received to the Public
32 Employees' Retirement System, informing it of the period of the
33 employee's leave of absence. The Public Employees' Retirement
34 System shall credit the employee with all service credit earned for
35 the period of the elected-officer leave of absence.

36 If the employee has been compensated by the community college
37 district for the period of the service, then, as a condition to the
38 employee's entitlement to service credit for the period, the
39 community college district shall be reimbursed by the employee
40 organization for the amount of the compensation.

1 The provisions of this subdivision shall apply retroactively to
2 all service as an elected officer in a public employee organization
3 occurring after August 31, 1987.

4 (d) This section shall not apply to an employee who is subject
5 to a collective bargaining agreement that expressly provides for a
6 leave of absence without loss of compensation for participation in
7 authorized activities as an elected officer or member of the public
8 employee organization.

9 SEC. 3. Section 3505.3 of the Government Code is amended
10 to read:

11 3505.3. (a) Public agencies shall allow a reasonable number
12 of public agency employee representatives of recognized employee
13 organizations reasonable time off without loss of compensation
14 or other benefits when they are participating in any one of the
15 following activities:

16 (1) Formally meeting and conferring with representatives of the
17 public agency on matters within the scope of representation.

18 (2) Testifying, ~~participating~~, or representing the employee
19 organization in conferences, hearings, or other proceedings before
20 the Public Employment Relations Board, or an agent thereof, in
21 matters relating to a charge filed by the employee organization
22 against the public agency.

23 (3) Testifying, ~~participating~~, or representing the employee
24 ~~organization in other matters in furtherance of the employee~~
25 ~~organization's right to represent members in employment relations,~~
26 *organization in employment relations*, including personnel and
27 merit commission hearings, city council meetings, and labor
28 management committee meetings.

29 (b) ~~Whenever possible, the~~ *The* representing employee
30 organization shall provide reasonable notification to the employer
31 requesting a leave of absence without loss of compensation
32 pursuant to subdivision (a) of this section.

33 ~~(e) This section shall not apply to an employee who is subject~~
34 ~~to a collective bargaining agreement that expressly provides for a~~
35 ~~leave of absence without loss of compensation for participation in~~
36 ~~authorized activities as an elected officer or member of the public~~
37 ~~employee organization.~~